

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Crim. No.13-10200-GAO
	)	
DZHOKHAR A. TSARNAEV,	)	
Defendant	)	

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through its undersigned counsel and pursuant to 18 U.S.C. § 3593(a), notifies the Court and Defendant DZHOKHAR TSARNAEV that the United States believes the circumstances of the offenses charged in Counts One through Ten and Counts Twelve through Eighteen of the Indictment are such that, in the event of a conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the United States will seek the sentence of death for these offenses: Conspiracy to Use A Weapon of Mass Destruction Resulting in Death; Use of A Weapon of Mass Destruction Resulting in Death; Possession and Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death; Conspiracy to Bomb a Place of Public Use Resulting in Death; Bombing of a Place of Public Use Resulting in Death; and Malicious Destruction of Property Resulting in Personal Injury and Death, all of which carry a possible sentence of death.

The United States proposes to prove the following factors as justifying a sentence of death with regard to Counts One through Ten and Counts Twelve through Eighteen (except where other Counts are specified):

A. DZHOKHAR TSARNAEV was 18 years of age or older at the time of the offense.

B. Statutory Threshold Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D).

**1. Intentional Killing.** DZHOKHAR TSARNAEV intentionally killed Krystle Marie Campbell (Counts One, Two, Three, Six, Seven, Eight, Twelve, and Thirteen), Martin Richard (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen), Lingzi Lu (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen), and Officer Sean Collier (Counts One, Six, Sixteen, Seventeen, and Eighteen). 18 U.S.C. § 3591(a)(2)(A).

**2. Intentional Infliction of Serious Bodily Injury.**

DZHOKHAR TSARNAEV intentionally inflicted serious bodily injury that resulted in the deaths of Krystle Marie Campbell (Counts One, Two, Three, Six, Seven, Eight, Twelve, and Thirteen), Martin Richard (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen), Lingzi Lu (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen), and Officer Sean Collier (Counts One, Six,

Sixteen, Seventeen, and Eighteen). 18 U.S.C. § 3591(a)(2)(B).

**3. Intentional Participation in Acts Resulting in Death.**

DZHOKHAR TSARNAEV intentionally participated in acts contemplating that the life of a person or persons would be taken and intending that lethal force would be used in connection with a person or persons, other than one of the participants in the offense, and Krystle Marie Campbell (Counts One, Two, Three, Six, Seven, Eight, Twelve, and Thirteen); Martin Richard (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen); Lingzi Lu (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen); and Officer Sean Collier (Counts One, Six, Sixteen, Seventeen, and Eighteen) died as a direct result of the acts. 18 U.S.C § 3591(a)(2)(C).

**4. Intentional Engagement in Acts of Violence, Knowing that the Acts Created a Grave Risk of Death to a Person.**

DZHOKHAR TSARNAEV intentionally and specifically engaged in acts of violence, knowing that the acts created a grave risk of death to a person or persons, other than one of the participants in the offense, such that the participation in the acts constituted a reckless disregard for human life, and Krystle Marie Campbell (Counts One, Two, Three, Six, Seven, Eight, Twelve, and Thirteen), Martin Richard (Counts

One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen), Lingzi Lu (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen), and Officer Sean Collier (Counts One, Six, Sixteen, Seventeen, and Eighteen) died as a direct result of the acts. 18 U.S.C § 3591(a)(2)(D).

C. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

**1. Death During Commission of Another Crime.** The death, and injury resulting in death, occurred during the commission and attempted commission of, and during the immediate flight from the commission of, an offense under (1) 18 U.S.C. § 2332a (use of a weapon of mass destruction)(Counts One through Ten and Twelve through Eighteen) and (2) 18 U.S.C. § 844(i) (destruction of property affecting interstate commerce by explosives)(Counts One through Ten and Twelve through Fifteen). 18 U.S.C. § 3592(c)(1).

**2. Grave Risk of Death to Additional Persons.** DZHOKHAR TSARNAEV knowingly created a grave risk of death to one or more persons in addition to the victim of the offense in the commission of the offense and in escaping apprehension for the violation of the offense. 18 U.S.C. § 3592(c)(5).

**3. Heinous, Cruel and Depraved Manner of Committing the Offense.** DZHOKHAR TSARNAEV committed the offense in an especially heinous, cruel and depraved manner in that it

involved serious physical abuse to the victim (Counts One through Ten and Twelve through Fifteen). 18 U.S.C. § 3592(c)(6).

**4. Substantial Planning and Premeditation.** DZHOKHAR

TSARNAEV committed the offense after substantial planning and premeditation to cause the death of a person and commit an act of terrorism (Counts One through Ten and Twelve through Fifteen). 18 U.S.C. § 3592(c)(9).

**5. Multiple Killings.** DZHOKHAR TSARNAEV intentionally killed and attempted to kill more than one person in a single criminal episode (Counts One through Ten and Twelve through Fifteen). 18 U.S.C. § 3592(c)(16).

**6. Vulnerable Victim.** DZHOKHAR TSARNAEV is responsible for the death of a victim, Martin Richard, who was particularly vulnerable due to youth (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen). 18 U.S.C. § 3592(c)(11).

D. Non-Statutory Aggravating Factors Identified under 18 U.S.C. § 3593(a)(2).

**1. Betrayal of the United States.** DZHOKHAR TSARNAEV received asylum from the United States; obtained citizenship and enjoyed the freedoms of a United States citizen; and then betrayed his allegiance to the United

States by killing and maiming people in the United States.

**2. Encouragement of Others to Commit Acts of Violence and Terrorism.** In conjunction with committing acts of violence and terrorism, DZHOKHAR TSARNAEV made statements suggesting that others would be justified in committing additional acts of violence and terrorism against the United States.

**3. Victim Impact.** DZHOKHAR TSARNAEV caused injury, harm and loss to Krystle Marie Campbell and her family and friends (Counts One, Two, Three, Six, Seven, Eight, Twelve, and Thirteen); to Martin Richard and his family and friends (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen); to Lingzi Lu and her family and friends (Counts One, Four, Five, Six, Nine, Ten, Fourteen, and Fifteen), and to Officer Sean Collier and his family and friends (Counts One, Six, Sixteen, Seventeen, and Eighteen). The injury, harm and loss caused by DZHOKHAR TSARNAEV with respect to each victim is evidenced by the victim's personal characteristics and by the impact of the victim's death upon his or her family and friends.

**4. Selection of Site for Acts of Terrorism.** DZHOKHAR TSARNAEV targeted the Boston Marathon, an iconic event that draws large crowds of men, women and children to its final stretch, making it especially susceptible to the act and

effects of terrorism (Counts One through Ten and Counts Twelve through Fifteen).

**5. Lack of Remorse.** DZHOKHAR TSARNAEV demonstrated a lack of remorse.

**6. Status of Victim.** DZHOKHAR TSARNAEV murdered Officer Sean Collier, a law enforcement officer who was engaged in the performance of his official duties at the time of his death (Counts One, Six, Sixteen, Seventeen, and Eighteen).

**7. Participation in Additional Uncharged Crimes of Violence.** DZHOKHAR TSARNAEV participated in additional uncharged crimes of violence, including assault with a dangerous weapon, assault with intent to maim, mayhem, and attempted murder, on April 15, 2013 in Boston, Massachusetts (Counts One through Ten and Twelve through Fifteen) and on or about April 19, 2013 in Watertown, Massachusetts (Counts One through Ten and Twelve through Eighteen).

Respectfully submitted,  
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United States Attorney

By:  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)

/s/Nadine Pellegrini  
Nadine Pellegrini  
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Date: January 30, 2014